

L E S S O N 1

Roots of Government

THINKING FOCUS

What major ideas went into the shaping of the new American government?

Key Terms

- constitution
- federal
- confederation
- executive
- legislature

➤ *American painter John Trumbull probably copied a French engraving to produce this oil portrait of Benjamin Franklin.*

Benjamin Franklin wore a rustic fur hat when he arrived in Paris in 1776 as the representative of his new nation. The Parisians saw Franklin as a self-taught frontiersman, and he charmed them with his witty conversation. Considered something of a curiosity, he was followed by crowds throughout Paris. Poets wrote flattering rhymes in his honor. And French shopkeepers sold snuffboxes and other trinkets bearing his portrait.

To the French, Franklin stood for a new citizen of the world—the American. During his long life he worked as a printer, author, inventor, philosopher, scientist, and diplomat. More than anything else, Franklin was a patriot, one of the first to dream that the colonies could become one nation.

In July 1775—a full year before the signing of the Declaration of Independence—he presented to the Second Continental Congress a plan



of government called “The Articles of Confederation and Perpetual Union.” Most delegates to the Congress considered Franklin’s proposal for a unifying central government too radical for the time. Many people still hoped that the colonies could settle their disputes with Britain and be left to rule themselves, individually.

Visions of a New Government

Franklin’s ideas circulated throughout the colonies during the Revolutionary War as the colonists thought about creating a government. “We have it in our power to begin the world over again,” Thomas Paine, the author of the pamphlet *Common Sense*, wrote enthusiastically.

An Age of Reason

Franklin and Paine, as well as Thomas Jefferson, were greatly influenced by the revolutionary ideas of

the Enlightenment—the philosophical movement taking place in Europe at that time. Its most important idea was that people could approach religious, social, political, and economic issues through reason and science. This meant that people should not follow authority blindly. Instead, progress and a better life—for both individuals and society—were possible through putting thoughts into action. According to Enlightenment thinkers, the right of people to revolt against

oppressive authority followed from the use of individual reasoning.

Enlightenment thinkers in the American colonies were excited. Here they were, the first people in history to have the chance to create an entirely new government based on Enlightenment principles. But what form should the new American government be given in order to serve the different needs and desires of people in 13 separate colonies?

New World Possibilities

Today it is difficult to appreciate just how rare republicanism, or government based on the consent of the people, was in the late 1700s. At that time, kings and emperors ruled most of the world. The only models for republics were a few small countries such as Switzerland, Holland, and the city-states of Italy.

A group of George Washington's officers wanted him to become King of America. Imagine what our nation would be like now if the patriots had chosen to have a monarch! At the creation of an entirely new government, almost anything was possible. The familiar shape of the United States map in the Atlas on page 702 might even have been different if Great Britain's colonies in Canada had accepted a U.S. invitation to agree "to this confederation, joining in the measures of the united states" to become additional states.

The English Heritage

Even though they rejected the idea of having a monarchy, Americans did look to England for ideas for their new political system. Their English tradition had given the colonists a respect for government based on legal documents. In addition, many English writers of the time lent their voices to Enlightenment ideas. Americans naturally tried to adapt English tradition to suit their new country.

England did not have a single

written **constitution**, or document that defined its fundamental principles of government. But several historical documents contributed to English political structure. One such document was the Magna Carta of 1215. English nobles had won from King John the right to trial by people of a rank equal to their own. This early law formed the basis of what we know as trial by jury.

In 1689, the English Bill of Rights further limited the power of the monarchy and increased Parliament's say in ruling the country. Parliament gained the right to approve plans to spend money, and the king was forbidden to keep a standing, or permanent, army.

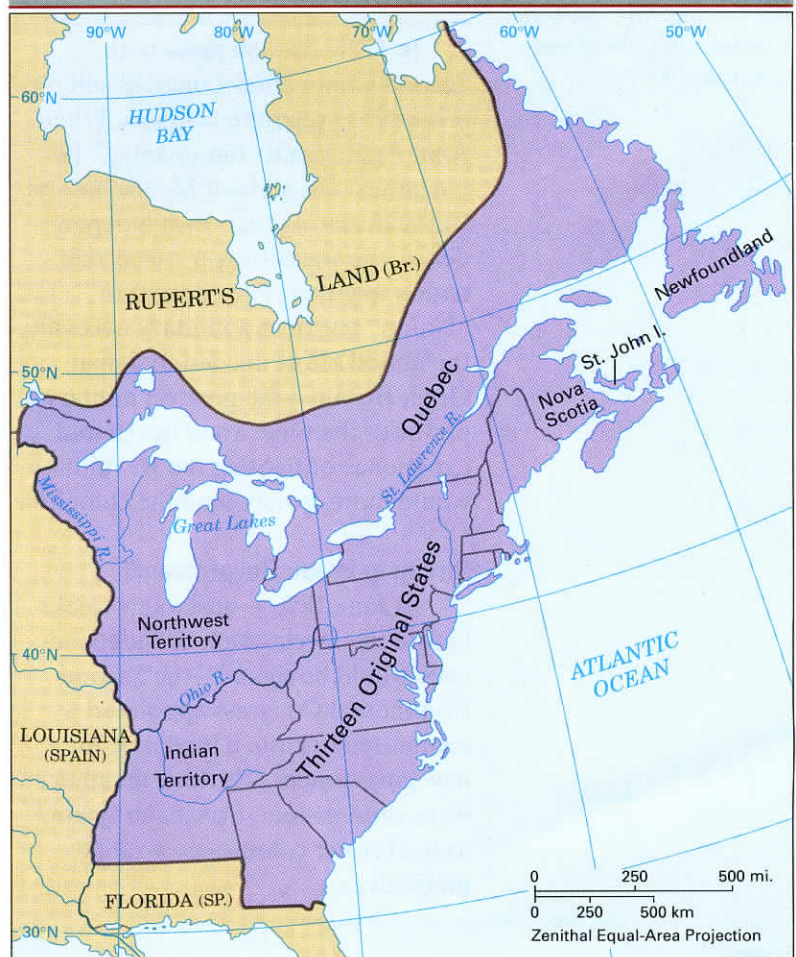
The English settlers had brought the idea of constitutional government to the New World. Before the *Mayflower* landed in 1620, 41 of the men on board had agreed to abide by cer-



▲ This crown, used for British coronations to this day, has long been a symbol of the British monarchy.

▼ Although the United States left the door open for Canada to "be admitted into, and entitled to all the advantages of this union," the invitation was rejected. This map never became real.

An Imaginary United States, 1777



British Influences on the American Government

1620, Mayflower Compact

- Agreed to form a self-governing body.
- Promised to frame, constitute, and enact just and equal laws.
- Agreed to promote general order and the good of all.

1689, English Bill of Rights

- Required King to have consent of Parliament to levy taxes.
- Provided for free election of members of lower house of Parliament.
- Restricted King from maintaining an army in peacetime.

1200

1300

1400

1500

1600

1700

1800

1215, Magna Carta

- Checked royal power.
- Required King to seek advice on laws and taxes.
- Granted due process of law.
- Provided for trial by jury of peers.

1628, Petition of Rights

- Rejected idea of absolute monarchy by divine right.
- Established supremacy of law over personal wishes.
- Forbade King from housing soldiers in private homes, setting up martial law, and imprisoning citizens illegally.

▲ Unlike the other constitutional documents, which restricted powers of the king, the Mayflower Compact was written for life in an unknown wilderness.

■ How did Americans hope to improve upon the English tradition of constitutional law?

tain rules for the general good of all. This Mayflower Compact was the most basic form of a constitution.

As Americans prepared to set up their own government in the late 1700s, they wanted a single document that would spell out their rights in

clear terms. They hoped that by defining clearly their governing principles they could avoid the kinds of problems that had troubled the American colonies—such as the disputes they had had with the King and English Parliament. ■

One Nation United

In 1775, the delegates to the Second Continental Congress still represented 13 separate colonies. When John Adams said “our country,” he meant his own state of Massachusetts. But in declaring their own independence, the states took a risk as one nation together. The concept of “Union” began as a military necessity, the united effort needed to defeat Great Britain—the greatest military power of the time. Soon the shared experience of fighting the Revolution would more closely bind the colonists.

Strong or Weak Government?

In June 1776 — just a few weeks before the Declaration of Independence would be signed—the Second Continental Congress appointed a committee to write a blueprint for a new government. Thirteen members were chosen—one from each “state,” as the former colonies now called themselves.

A month later the committee presented a draft calling for a **federal** government, to be given a strong central authority by the states. They used Franklin’s old title: “Articles of Confederation and Perpetual Union.” As members of Congress debated, disagreements surfaced. Delegates feared a tyrannical national government might be too much like a monarchy. They therefore proposed that the new government be a **confederation**—a loose alliance of states.

The delegates argued about how to structure a congress. If the new congress were to represent the people of the new nation, large states should have more representatives. But as Roger Sherman of Connecticut argued, “We are representatives of states, not individuals.”

After over a year of debate during which war raged, the Second Continental Congress adopted a list of thirteen items in 1777. Article III

of the Articles of Confederation described the states' new relationship:

The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their Liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

Each state would have equal power in the new congress. There was no national **executive**—that is, no one person in the government was given administrative authority. And there was no national court system.

Colonial Experiences

Based on their experience as colonial subjects of Great Britain, Americans were afraid of a centralized government. They were especially suspicious of any strong executive, such as the governor appointed by the king for each colony. Tensions often flared between these royal governors and many of the elected **legislatures** responsible for making some of the laws within the colonies. In New Jersey, for example, Governor William Franklin was imprisoned during the Revolutionary War because of his staunch Loyalist sympathies. Ironically, he was the son of patriot Benjamin Franklin.

In their first attempts at representative government, the colonists made sure that their local governments were strong. Throughout New England, local government took the form of town meetings—annual gatherings called to establish rules for each community. Although the New England colonies had elected legislatures, such as the Great and General Court of Massachusetts, the people felt that

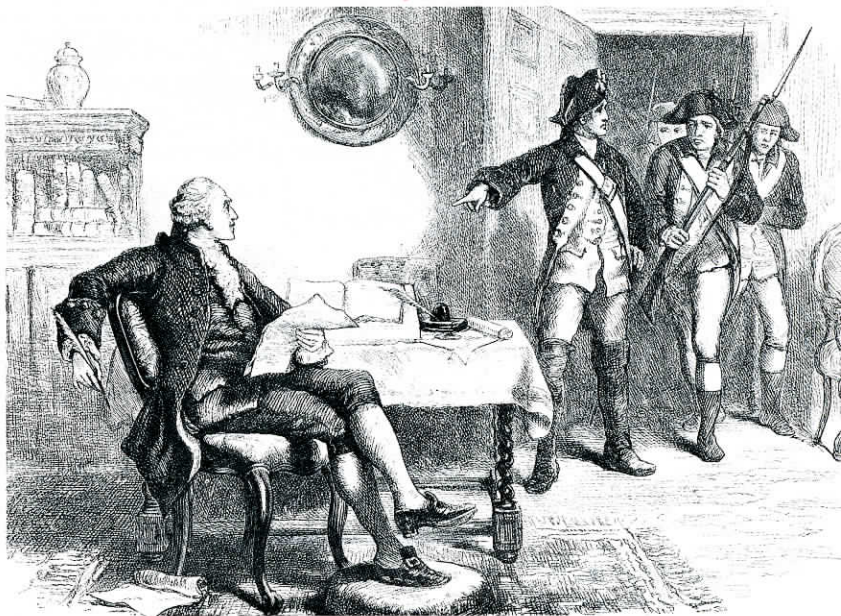
they had additional control over their daily lives through participation in their town meetings. These annual town meetings still go on today.

In Virginia, laws were passed by the elected members of the colony's legislature, which was called the House of Burgesses. But Virginia law was also made at the local level by justices of the peace who met in county courts.

Disputes over Western Lands

In November 1777, the Second Continental Congress presented the Articles of Confederation to the states. For the Articles to go into effect, all 13 states would have to approve them. But long-standing disputes over western lands delayed the Articles' passage.

The old colonial charters had granted states such as Massachusetts and the Carolinas all the land stretching westward from the Atlantic Ocean. Virginia's charter mentioned



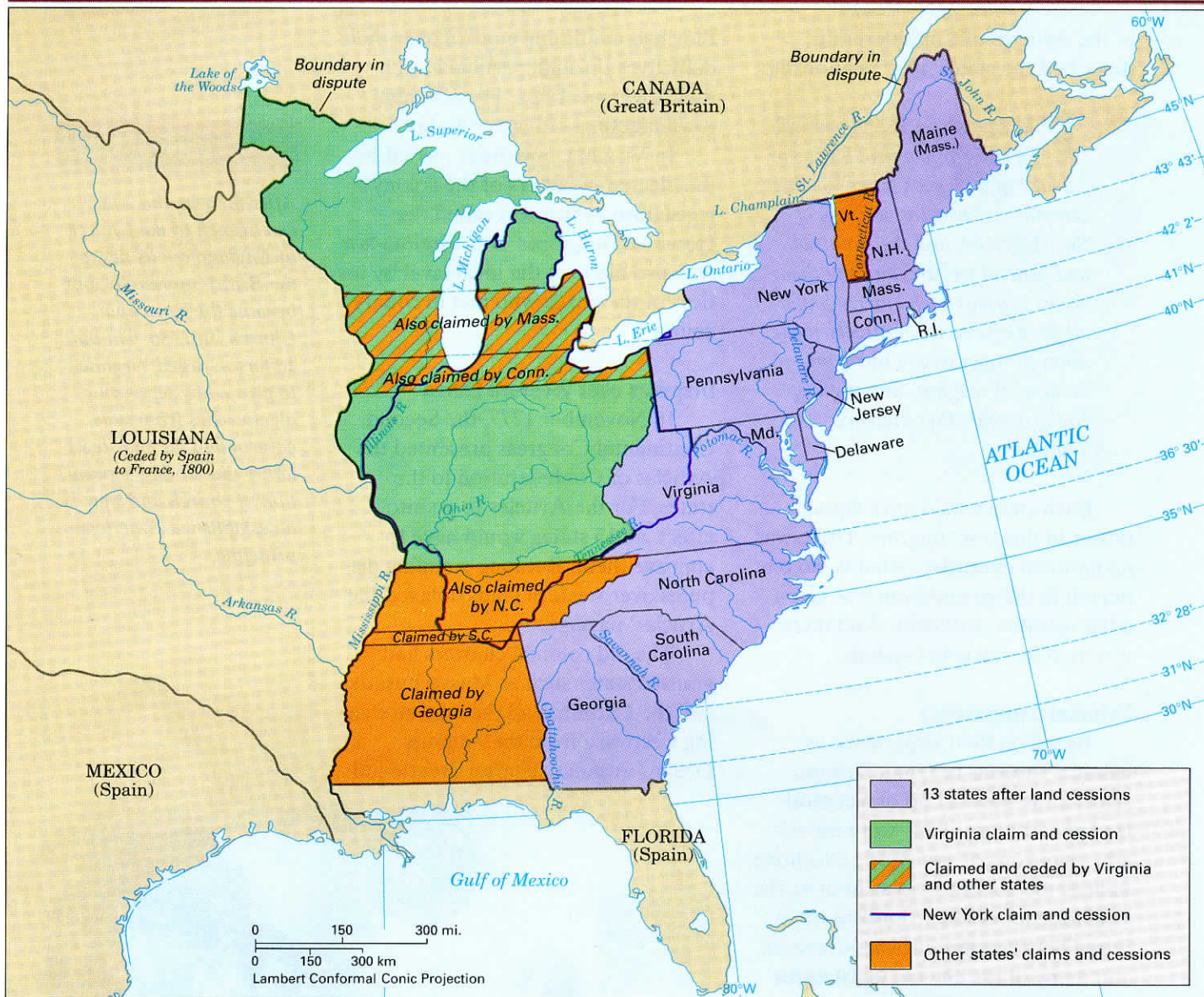
land to the northwest as well. New York's land claims stretched from the Great Lakes south to Georgia. Look at the map on page 86 to find land claimed by more than one state.

The states that lacked such western lands were not willing to let these

Across Time & Space

After the war, the American branch of the Church of England cut its ties to the British monarchy and became the Episcopal Church. In 1786, Thomas Jefferson urged Virginia to pass a law separating all churches from state control and the state legislature did. Today, separation of church and state is an established American principle.

▲ *Colonel Nathaniel Heard and his militia, under orders of the New Jersey state provincial congress, arrested royal governor William Franklin in June 1776.*



▲ Seven states ceded land claims in the western territories. New York and New Hampshire also ceded claims to Vermont in 1791.

■ What issues contributed to the reluctance of Americans to establish a strong national government?

claims stand. They argued that the western lands were “wrested from the common enemy by the blood and treasure of the thirteen states.” Therefore, the states as one union should share the frontier territory.

Maryland refused to approve the

Articles unless all western lands were ceded, or transferred, to the central government. In 1781, after New York and Virginia agreed to the cession of their lands, Maryland accepted the proposal for a new government. The Articles were finally approved. ■

Emergence of State Governments

After declaring independence from Great Britain, the states tried not only to establish an effective national government. Each had to set up its own new government also. This was indeed an exciting time—a chance to develop plans for the future. “We are,” said Benjamin Franklin, “on the

right road to improvement, for we are making experiments.”

Republicanism in the States

Speaking to a state convention—made up of former members of the Virginia House of Burgesses—James Madison praised the emerging

republican governments. “I go on this great republican principle, that the people will have the virtue and intelligence to select men of virtue and wisdom.”

All the new state governments had elected legislatures. Republicanism demanded that the representatives had to be close to the voters who elected them. In most states, representatives had to stand for election annually. They had to live in the community they represented and have a stake in it by owning property there.

The state legislatures were usually more powerful than the executives of the states, the governors. In more than half the states, the legislature chose the governor, making him accountable to the wishes of the representatives.

Variety Among the States

Although the early state constitutions shared features of republicanism, some were more creative than others. Only Connecticut and Rhode Island kept their original colonial charters, after omitting references to the King and Parliament.

In 1776, Pennsylvania’s new constitution eliminated the state executive so that there would be no governor at all, and established a unicameral, or one-house, legislature. Supporters of this constitution saw no need for an upper house—like the House of Lords in the English Parliament—to represent the wealthier people of the community. Pennsylvania, along with North Carolina, dropped any requirement for owning property in order to vote—a radical concept for the time.

Conservative political leaders were appalled by these democratic innovations. They succeeded in 1790 in replacing the first Pennsylvania constitution with a more moderate one.



Massachusetts established a two-step procedure for democratically adopting a new government. In the first step, a special convention gathered to write a constitution. In the second step, all Massachusetts voters—not just members of the state legislature—decided whether to approve their new constitution. Massachusetts’ constitution, approved in 1780, was unusual in ending slavery and allowing both free black men and American Indians to vote.

The creation of the early state constitutions was a critical step in the evolution of a successful national government. Through their state governments, Americans learned more about the workings of republicanism as well as about ways to improve their national government. ■

▲ After the British dissolved the House of Burgesses in 1774, many former members worked to create Virginia’s constitution and became part of the new state government. The House of Burgesses is pictured above as it might have looked in the 1600s.

■ Predict which aspects of the early state constitutions would eventually be adopted for the national government.

R E V I E W

1. **FOCUS** What major ideas went into the shaping of the new American government?
2. **CONNECT** Why were one-year terms for political offices thought to be a way to avoid a tyrannical government?
3. **POLITICAL SYSTEMS** How was Pennsylvania’s constitution unusually democratic for the time?
4. **CRITICAL THINKING** Why would a politician like John Adams refer to his home state of Massachusetts as “his country”?
5. **WRITING ACTIVITY** Imagine that you represent Maryland in Congress in 1781. Prepare a brief speech arguing against approval of the Articles of Confederation while states still hold western land.